State Water Resources Control Board's Supplemental CUPA Evaluation Guidance Manual

Third Edition
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Publishing Information

The State Water Resources Control Board (SWRCB) Supplemental Evaluation Guidance Manual Third Edition was developed and published by the California Underground Storage Tank Program. Project Coordinator and Editor was John Welch. The manual was prepared for publication and distribution by the SWRCB.

To Get This Manual

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General Introduction

In 1993, the California Legislature passed Senate Bill 1082. It required the unification of six hazardous materials programs under a single managing agency, known as the Certified Unified Program Agency (CUPA). The six programs include the underground and aboveground storage tank programs developed by the SWRCB, the Business Plan and CalARP programs as developed by OES, the OSFM program as it relates to Business Plan requirements, and the Hazardous Waste Generator and Tiered Permitting programs developed by DTSC.

Statute requires the state to perform a periodic review, currently once every three years, of the CUPA's ability to carry out the unified program. Known as a CUPA evaluation, it is performed by the four state agencies in accordance with the CUPA Evaluation Guidance Manual, July 1998.

Purpose For Development of This Guidance Manual

The SWRCB Supplemental CUPA Evaluation Guidance Manual (Supplement) is an extension of the July 1998 Manual. It has been developed to provide SWRCB-specific guidance to SWRCB evaluators and the local agencies being evaluated. This supplement will enhance evaluation consistency and coordination: consistency through similar evaluation procedures, similar identification of deficiencies, and similar report development; coordination by use of the Supplement's data management system.

Scope

This Supplement: guides SWRCB evaluators:
- in preparing for the evaluation (PHASE I)
- in conducting the evaluation (PHASE II)

It also provides a process (PHASE III) by which SWRCB deliverables are:
- prepared,
- tracked,
- and sent to DTSC.

Updates To This Manual

This manual is intended to be dynamic. Much of what is presented is based on experience. As new experiences present themselves the manual may need to be modified. When regulations or statutes change the manual should be updated accordingly.

To maintain this manual each evaluator should take an active role in recommending changes. Look for ways in which the SWRCB can better attain its deliverables. Recommendations should be made and discussed among evaluators. Upon consensus between evaluators and agreement from management, the manual then can be updated. To maintain consistency, one evaluator should be given charge for updating and maintaining the manual.

Features

This Supplement's features include:

- **Navigation aids** including hypertext linking, a Table of Contents, an Index, and sidebars.

- **Evaluation tools** including checklists, Suggested Evaluation Techniques, Evaluation Tips/Situations To Avoid, and a survey form.

- **A tracking system** to ensure deliverables are met, to ensure management involvement, and to ensure internal coordination.

- **Evaluation report development assistance** in the form of completed write-ups from previous evaluation and Agency Visit reports.

- **A list of recommended updates to the supplement.** This list will be modified based on recommendations for improvement and statutory and regulatory changes.

Other Sources

- CUPA Evaluation Guidance Manual, July 1998

- Ms. Maria Soria of DTSC 510-540-3883, msoria@dtsc.ca.gov

PHASE 1

PREPARING FOR THE EVALUATION

Introduction to Phase I

Phase I consists of preparing yourself for the CUPA evaluation. You may need to make travel arrangements, perform document reviews, and contact the Team Leader to coordinate activities. You should give yourself at least one week to prepare.

Three checklists have been developed to assist you.

- The Pre-Evaluation Task Checklist presents likely action items.

- The Evaluation Documents Checklist identifies documents for review before the evaluation and for bringing to the evaluation.

- The Automotive Preparation Checklist may be handy if you are traveling by car.

You will notice that each checklist includes an entry line in the upper right-hand corner in which to indicate the CUPA being evaluated and the date of the evaluation.

Tips:

- Print each checklist to assist you in preparing for an evaluation.

- Keep and organize checklists, forms, notes, documentation, and other evaluation paperwork in a central location. To maintain a consistent approach, all evaluators may use the green two-sided folders. John Welch has extra folders for your use.

PHASE I

Pre-Evaluation Task Checklist

CUPA: _____

Date: _____

Item	Guidance	Notes
❑ Make reservations:	Sacramento Travel Service: 916-974-6855 (local) 888-645-6437 (long dist.) 800-639-7583 (after hours)	_____
State garage Yellow Cab	916-653-8068 916-444-2222	_____
Southwest	www.southwest.com 1-800-iflyswa	_____
❑ Change voice mail and e-mail messages	Voice Mail Access: 916-324-9655	_____
❑ Check out	UST unit's events calendar	_____
❑ Gather related supplies	Business cards, notepad, pens, UST documents (UST regulations, Facility Inspection Handbook/video, Enforcement Guidelines, etc.)	_____
❑ Reserve laptop computer	Contact: IT unit staff	_____
❑ Reserve cell phone	Contact: Administrative staff	_____
❑ Contact Team Leader to determine evaluation responsibilities.	SWRCB evaluation to include: ➢ UST and AST Standards ➢ SWRCB-only requirements ➢ Consolidated Permitting ➢ Other standards	_____
❑ Get two release site addresses and case numbers	LUSTIS website	_____

Evaluation Documents Checklist

Item	Guidance	Notes
Review:		
❏ CUPA Application	UST File Room	_____
❏ SWRCB Agency File	UST File Room – white binders	_____
❏ CUPA submittal of Quarterly Reports since certification	Quarterly Report Binders	_____
❏ CUPA Self Audit and supporting documents	Via Team Leader	_____
Review and/or bring:		
❏ CUPA Evaluation Process Guidance Manual	July 1998	_____
❏ Supplemental Guidance	May 2000	_____
❏ Performance Standards	2/3/00 for CUPA 3/27/00 for CA	_____
Other considerations:		
❏ _____		_____
❏ _____		_____

Vehicle-use Issues

Item	Guidance	Notes

For reimbursement:

❏   Mileage

Beginning: _____
Ending: _____
Total: _____

Check:

❏   Oils

Engine, transmission,
Power steering

❏   Air pressure in tires

❏   Belts

❏   Fluids

Radiator, washer

Get documents:

❏   Map and directions
to destination

www.mapquest.com
www.mapblast.com

❏   Accident Identification
Card, Form 269

Contact: Administrative staff

❏   National Automobile Club
24-Hour Roadside Service

1-800-600-6065

Other considerations:

❏   _____

❏   _____

PHASE II

CONDUCTING THE
OFFICE EVALUATION

Introduction to Phase II

PHASE II

Phase II covers steps an evaluator may take when conducting an evaluation.

Getting There

You should coordinate with the Team Leader as to when and where you will meet. Getting to the CUPA office at least one-half hour before the start of the meeting will help ensure that you find parking, get to the meeting room on time, and are ready to for the introduction.

Office Introduction

The introduction plays an important role. It helps set the tone of the evaluation. Are the evaluators organized and prepared? Is the CUPA organized and prepared? Are CUPA staff receptive?

The introduction is used to come to consensus as to the events that will proceed during the evaluation. How will the discussion ensue? Who will be present for the entire meeting? When will inspections be conducted and by whom?

Lastly, the introduction is used to give the CUPA an opportunity to present an overview of its implementation as of the date of the evaluation. An Introduction Checklist is included to keep the introduction on-track and reasonable in length.

Evaluation Techniques

To achieve consistency from one evaluation to another, it is essential that each evaluator follow a similar approach. In this spirit, this section presents:

- Suggested Evaluation Techniques   You will find these techniques helpful as you perform your evaluation. Previously developed write-ups based on these techniques are given in Phase III.

- Evaluation Tips and Situations To Avoid   Consider these as best management practices. Many were drawn from previous Evaluation Performance Surveys (survey form). Continue to add to these lists as experience necessitates.

Introduction Checklist

Item	Guidance	Notes
❏ Introduce all participants	Distribute business cards	
❏ Thank the CUPA for accommodating the evaluation	Team Leader	
❏ Identify the purpose of the evaluation	An evaluation of the CUPA program based on the performance standards.	
❏ Discuss agenda	- Timetable - Inspections - Who will attend - Closing meeting	
❏ Explain the report development process with associated timelines	- 70 days: draft report - 60 days: CUPA response - Submit final draft - Secretary sends Final Report to CUPA (no fixed time line). All correction of deficiencies prior to its issuance will be included.	
❏ Provide the CUPA an opportunity to give a general overview.	- History of implementation - Number of staff - Successes (identify them in report) - Undeveloped program(s)	
❏ Explain that we are asking for the CUPA to give suggestions for improvement to the process	- General Evaluation Survey: (one left with the CUPA at the end of the evaluation; one sent with the Final Report)	

Suggested Evaluation Techniques

Suggested Techniques

This section presents evaluation techniques that have been developed based on experience performing CUPA and UST agency evaluations. They are useful in helping decide whether a CUPA adequately implements the Performance Standards. As you will see, there are many tools and techniques. As evaluations are conducted new techniques will be developed and some will become obsolete. Propose updates accordingly.

Techniques To Use

- Before you arrive at the office

    1. CUPA Documents You Receive From the Team Leader Before the Evaluation
    2. SWRCB Agency File
    3. CUPA Application
    4. Quarterly Reports

- During the Evaluation

    5. Compendium of Performance Standards
        - Table 1, Compendium Standards Compliance Verification
        - Table 2, File Review to Assess Adequate Oversight of Upgrading or Repairing of Tanks
    6. Written Procedures
    7. Operating Permit/Consolidated Permit
    8. UST Facility Inspection
    9. UST Checklists
    10. Review of Agency Files
        - Table 3, File Review To Assess Document Maintenance and Organization
    11. LUSTIS Sites
    12. Data Management
    13. Aboveground Storage Tanks
    14. Information Availability/Internet Access

Completed Write-ups

These techniques were used to develop the write-ups presented in Phase III's Completed SWRCB Write-ups On CUPA Deficiencies.

Techniques to Use Before You Arrive at the Office

CUPA Documents

1. CUPA Documents You Receive From the Team Leader Before the Evaluation

Review the Self Audit and other documents provided to you by the Team Leader. Evaluate these documents and make note of any of the following:

- "No" answers.

- Lack of summary reports.

- Incomplete summary reports.

  Identification of any of the above indicates a potential deficiency. Use these clues as points of discussion during the evaluation.

  As you may be asked to cover an area of the evaluation outside your scope of expertise, familiarize yourself with the organization and content of the Compendium of CUPA Performance Standards.

  Refer to the side-bar(s) called "CUPA Documents" in Phase III for completed SWRCB write-ups on this topic.

SWRCB Agency File

2. SWRCB Agency File

Familiarize yourself with past SWRCB interactions with the CUPA by reviewing the SWRCB's agency file (white binders). Review:

- Previous UST agency visit report(s) to look for repeated deficiencies.

- Correspondence to get an idea of important past issues.

- PA agency file(s) to become aware of any outstanding issues or concerns.

Refer to the sidebar(s) called "SWRCB Agency File" in Phase III for completed SWRCB write-ups on this topic.

3. CUPA Application

CUPA Application

The CUPA application explains the CUPA's proposal for implementing the Unified Program. It includes an Inspection and Enforcement Plan and a Consolidated Permit Program Plan.

All CUPAs were certified after acceptance of their applications. As such, any deficiency you may find in an application will not be considered a deficiency in the evaluation. However, since the application's plans are required to be maintained and periodically updated, a deficiency in one of the application's plans will constitute an identified deficiency if it has not been corrected by the date of the evaluation.

Refer to the sidebar(s) called "CUPA Application" in Phase III for completed SWRCB write-ups on this topic.

4. Quarterly Reports

Quarterly Reports

Review the Quarterly Report hardcopies or the database to determine if the SWRCB has received every Quarterly Report since the date of CUPA certification. Sometimes report(s) become lost in transit on the way to our office so if one or more reports are missing, give the CUPA a chance to provide them. If the CUPA cannot provide a copy of a missing report(s) then cite this as a deficiency.

Refer to the sidebar(s) called "Deficiency: Quarterly Reporting" in Phase III for completed SWRCB write-ups on this topic.

Techniques to Use During the Evaluation

Compendium Standards

5. Compendium of Performance Standards

The Compendium of Performance Standards is maintained and distributed by DTSC. It gives the requirements against which you will evaluate the CUPA's performance. For SWRCB staff these will include UST and AST requirements and related Title 27 requirements. For example, when verifying compliance with UST permitting standards you may also be asked to verify compliance with Title 27 Consolidated Permitting standards.

The compendium is included as Appendix E, Performance Standards, of the CUPA Evaluation Process Guidance Manual.

To help promote internal consistency of compliance assessment, use Table 1, Compendium Standards Compliance Verification and Table 2, File Review to Assess Adequate Oversight of Upgrading or Repairing of Tanks, during your evaluations. Table 1 provides a list of questions and suggested documents to review to assess compliance for each standard. It also allows you to identify deficiencies and give recommendations. Table 2 is used to assess compliance with standard number 5010 which deals with CUPA approval of repair or upgrade.

Written Procedures

6. Written Procedures

To promote the three Cs, consistency, coordination, and consolidation, the CUPA is expected to develop written procedures that 1) explain how the CUPA will implement Performance Standards and 2) reflect CUPA implementation strategies. During the evaluation, ask to see the CUPA's written procedures. This is an area where credit should be given liberally. Focus on:

- The scope and level of detail. At a minimum, do the written procedures detail the CUPA's implementation of critical Performance Standard requirements?

- Inspection guidelines. Ask the CUPA to show you guidelines each program element it implements

- CUPAs with PAs. To promote the three Cs, does the CUPA maintain written procedures for PAs?

  ## Tip:

  This issue can be difficult to introduce. Based on previous evaluations the following lead-ins have had some success:

- "As you may know, part of the evaluation process includes review of written procedures. Do you have any? May I review them?" Explain benefits of developing written procedures in terms of enhancing the three C's.

- "After review of your written procedures, it appears that there are some performance standard requirements that have not been addressed. For example, your system for issuance of the permit is not included. Is it located elsewhere?"

- "Give yourself credit for implementation activities by developing written procedures."

  Refer to the sidebar(s) called "Deficiency: Written Procedures" in Phase III for completed SWRCB write-ups.

Permit Review

7. Operating Permit/Consolidated Permit

Ask for a copy of the active operating permit/consolidated permit or, if they are in the process of updating their permit, the proposed permit. Check whether the active permit includes all required elements. These currently include UST and, in most cases, Title 27 cover sheet requirements. If the active permit is being updated because it is deficient, check the proposed permit against the same criteria. You should cite any deficiencies with the active permit regardless of the status of a proposed permit. Refer to the sidebars called "Deficiency: UP Permit Incomplete" and "Deficiency: UST Permit Incomplete" in Phase III for completed SWRCB write-ups on this topic.

8. UST Facility Inspection

Attend a routine UST facility inspection with a CUPA inspector. The purpose is to assess the inspector's thoroughness and degree of proficiency. You will assess:

- the inspector's knowledge;
- his/her inspection skills;
- the inspector's capacity to understand when to draw from or seek out resources;
- the appropriateness of follow-up actions taken in response to identified violations.

Use the SWRCB UST Facility Compliance Handbook - A Handbook for Local Agencies as a basis upon which to measure the inspector's technical performance.

Routine Annual Inspection Defined

There have been questions as to what the state considers a routine annual inspection. This is important to clarify since you will be assessing the CUPA's performance in this regard.

The SWRCB believes that a routine annual inspection includes a first-hand verification of compliance with each and every leak detection and prevention aspect at a facility. This position is based on Section 25288(a) H&SC:

> "The purpose of the inspection is to determine whether the tank system complies with the applicable requirements of this chapter and the regulations adopted by the board pursuant to Section 25299.3, including the design and construction standards of Section 25291 or Section 25292, whichever is applicable, whether the operator has monitored and tested the tank system as required by the permit, and whether the tank system is in a safe operating condition. After an inspection, the local agency shall prepare a compliance report detailing the inspection and shall send a copy of this report to the permitholder.

Clearly, it is the intent of the law to have the local agency inspector perform the inspection. However, the law does allow another option, albeit not a widely-adopted one:

Section 25288(c) states the local agency may require the permitholder to employ a special inspector (e.g. registered engineer) to conduct the annual inspection.

The SWRCB does not believe that reliance on paperwork such as an annual maintenance certification report is currently an acceptable method for verification of compliance. The reasons are numerous but include:

- lack of training standards for annual maintenance contractors;
- lack of certification requirements from the State Contractors Licensing Board; and
- lack of consistency in scope and detail on annual certification reports.

Options For Achieving A First-hand Inspection

Assuming the CUPA staff performs inspections, they have various options to use to achieve a first-hand inspection.

- One-time or multiple facility inspections. Multiple inspections are useful if the first inspection was not complete.
- Announced or unannounced inspections. Note that unannounced inspections often result in some lack of first-hand inspection.
- Hands-on inspection. While liability and safety are issues, an inspector can be assured as to the state of compliance.
- Coordinate the inspection with the annual certification of leak detection equipment. According to many local agencies, this method removes inspector liability while continuing to allow the inspector thorough assessment of the UST system.
- Coordinate with other inspectors to perform a multi-media inspection. This works in cases where inspectors from various agencies even those outside the CUPA program are conducting an inspection of the facility in question.

Refer to the sidebar(s) called "Deficiency: Incomplete Inspection" in Phase III for completed SWRCB write-ups on this topic.

**UST
Checklists**

**File
Review**

9. UST Checklists

Based on SWRCB agency visits and the CUPA evaluations, it is evident that checklists are important inspection tools. They help ensure all inspectors on each inspection maintain consistency. They also provide the basis for enforcement actions.

Review the inspection checklist(s). Focus on:

- The scope and level of detail. Does it provide for a sufficient review of an agency file? Hardware and monitoring systems?

- Are references given?

  Refer to the sidebar(s) called "Deficiency: Inadequate Checklist" in Phase III for completed SWRCB write-ups on this topic.

10.   Review of Agency Files

Reviewing the agency files can indicate a lot about the CUPA's record maintenance and retention practices. This often translates into one facet of the effectiveness of implementation of the UP.

You can get a good idea of the quality of maintenance and retention through review of as few as three files. At a minimum, ask for the file of the routine inspection that you will attend, a LUSTIS site files, and an upgrade/repair file. Track your findings using Table 3, File Review To Assess Document Maintenance and Organization.

When reviewing the files ask questions of the documents you find:

- Installation, upgrade, and/or modification plans: Are they being maintained? If not, are they in another location that is accessible to staff?

- Inspection frequency: Was the last inspection less than three years ago? After January 1, 2000, conducted annually?

- Inspection records: Are inspection checklists and reports on file for at least the previous three inspections? Since most agencies have had been performing inspections since 1990, a complete file would have at least three previous inspection reports.

- Permits: How many permits are on file? Are copies of monitoring, response, and plot plans on file?

- Enforcement: Are enforcement actions included in the file?

  Refer to the sidebars called "Deficiency: Document Maintenance" and "Deficiency: Document Retention" in Phase III for completed SWRCB write-ups on this topic.

LUSTIS Site Review

11. LUSTIS Sites

Before you leave the SWRCB office, get the addresses of two recently discovered LUSTIS sites. During the evaluation, review the site files and interview staff as appropriate. Assess the appropriateness of the CUPA's inspection and enforcement actions at these sites.

Refer to the sidebar(s) called "Deficiency: LUSTIS Sites" in Phase III for completed SWRCB write-ups on this topic.

Data Management

12. Data Management

Ask for a copy of the inspection tracking system to confirm that inspections have been conducted at the required frequency. This typically is a printout from the data management system.

Refer to the sidebar(s) called "Deficiency: Inspection Frequency" in Phase III for completed SWRCB write-ups on this topic.

AST Program

13. Aboveground Storage Tanks

Review Aboveground Storage Tank implementation by attending an AST inspection. Focus on:

- Use of the SWRCB or similar form.

- Appropriate follow-up taken based on inspection results. This will include notifying the RWQCB that a plan was not on site where one was required.

- Tracking of inspections.

   Refer to the sidebar(s) called "Deficiency: AST Inspection" in Phase III for completed SWRCB write-ups on this topic.

Information Availability

14. Information Availability/Internet Access

Do staff appear to have and use information resources such as the UST regulations, LG 113 document, CUPA manual, SWRCB UST Guidelines, industry-related publications, etc.? Do staff have availability to the Internet? If so, do they use the SWRCB site to gain access to the most up-to-date information? Refer to the sidebar(s) called "Deficiency: Information Availability" for completed SWRCB write-ups on this topic.

Table 1
Evaluation of Underground Storage Tank Program Standards

Agency name: _____

Evaluation Date: _____

Evaluator's Name: _____

Evaluator's Phone: _____

1. Key indicators identified by key symbol (☞)
2. Under the standards column, each box identifies a standard shown as the first line. Typically, the standard is condensed to its core requirement.
3. Under each standard, suggested methodologies are given to establish the degree of compliance.
4. Generally, if a deficiency is found, it will be entered under the same heading found here. For example, if a deficiency is found under the permitting standards, it will be entered under this heading in the report. However, if a deficiency or observation is made that is not strictly captured by the standard, it will be entered under the State Agency Notes section.
5. Some standards originally identified have been deleted because they are redundant or are unclear. Those include numbers 5013 – 5016 and 5024. Currently, the last standard is number 5024.

Permitting Standards

General purpose/summarization for why these standards exist: To ensure that permits are issued to owners and operators for UST installation and service

Compendium Line Citation	Standards	Deficiency
Line 5000 HSC 25286(a) T23 2711(a)	The CUPA shall use a standardized UST application form. 1. Review a copy of the CUPA's UST application form to ensure that it meets T27 non-duplication requirements. 2. Ask the CUPA to describe its current application process. Compare this to the process described in the Consolidated Permit Program Plan to verify that it is the same and also to determine if the process is described in sufficient detail in the plan.	

Compendium Line Citation	Standards	Deficiency
Line 5001 HSC 25284(b)	If permits are transferred from an existing permittee to an applicant, the CUPA shall provide a transfer permit form. 1. Does the CUPA transfer permits? 2. If so, ask for a permit transfer form.	
Line 5002 HSC 25284(a)(1) 8—⚷	The CUPA shall issue a Unified Program Facility Permit (UPFP) to the owner/operator 1. Ask for a copy of a recently issued UPFP for review.	
Line 5003 T23 2632(b) 8—⚷	Both the UST and Consolidated Permits shall include UST-specific elements 1. Review a recently issued permit for inclusion of permit elements given in Lines 5004 – 5008.	
Line 5004 T23 2632(d)(1) and (2) 8—⚷	Monitoring, response, and plots plans 1. Obtain and review monitoring, response, and plot plans. Ensure that each has the required information as outlined in statues and regulations. 2. Verify that the permit includes a statement such as the following: "The approved monitoring, response, and plot plans shall be maintained on site with the permit."	
Line 5005 T23 2712(c)	Permit expiration date	
Line 5006 T23 2712(c)	State UST ID Numbers 1. Review permit to see if it shows the State UST ID #s for each UST located at the facility. These are data field numbers 1 and 432 on the Consolidated Forms.	
Line 5007 T23 2712(h) 8—⚷	Condition statement to Chapter 6.7 and 6.75 and their regulations 1. A statement such as the following may be used: "The owner and operator are subject to all applicable requirements of Chapter 6.7 and Chapter 6.75 of the Health and Safety Code and Title 23, Division 3, Chapters 16 and 18."	

Compendium Line Citation	Standards	Deficiency
Line 5008 T23 2712(l)	Statement that the permit is to be maintained on site	
Line 5009 T23 2641(g)	Monitoring, response, and plot plans shall be approved by the local agency. 1. What is the method by which the CUPA approves a monitoring program? 2. Have the CUPA explain its approval process for the monitoring program. 3. Does this approval process include verifying compliance with regulatory requirements? 4. Does the process cover how the CUPA will ensure that these plans are submitted, approved, on site at the facility, and maintained up-to-date? 5. Is this process included in the Consolidated Permit Program Plan?	
Line 5010 T23 2660(k)	CUPA approval of repairs and/or upgrades after verification of structural integrity 1. Does the CUPA approve UST system repairs and upgrades including recertification of interior lining? 2. If so, has it overseen upgrading or repairing of a tank by addition of interior lining or by installation of a bladder system? 3. If so, use Table 2 to perform a facility file review to assess the CUPA oversight of upgrading and repairing of tanks.	
Line 5011 HSC 25285(b) T23 2712(e)	new permit or renewal of an existing permit shall be issued after inspector verification of compliance 1. Ask the CUPA to describe its process for issuance of permits. 2. Does the process include a mechanism to withhold issuance of the permit based on non-compliance? 3. Is this process explained in the Consolidated Permit Program Plan? 4. Review inspection reports and follow up actions against issuance of permits. Verify that permits being withheld if non-compliance exists.	

Inspection Standards

General purpose/summarization for why these standards exist: To help ensure that owners and operators maintain compliance with federal, state, and local law and regulation.

Compendium Line Citation	Standards	Deficiency
Line 5017 HSC 25288 T23 2712(e) T23 2712(c)	The CUPA shall conduct inspections at the required frequency (at least once every three years prior to 1/1/00 and at least once every year thereafter) The purpose of the inspection is to verify compliance with UST requirements. Therefore, the level of detail applied to an inspection must be appropriate to do so. 1. How does the CUPA ensure that inspections are conducted per the required frequency? Review inspection reports and data management systems to verify inspections were conducted per the required frequency. Also determine if the CUPA has a mechanism to ensure that each facility will be inspected within the required timeframe. 2. What level of inspection do inspectors conduct? 3. How does the CUPA ensure all inspectors on each inspection maintain consistency? To assess the quality of the CUPA inspection program, review the CUPA's inspection checklist(s), inspection guidelines, inspection tracking system (data management), and three facility file inspection reports.	
Line 5018 HSC 25185(c)(2)(A) HSC 25188(b)	The CUPA shall prepare an inspection report 1. What does the CUPA use to record inspection results? 2. Does it allow for inclusion of observations, identified violations, and due date(s) for return to compliance? 3. If so, does the CUPA include this information? 4. Review blank inspection checklist and report forms for degree of thoroughness and that they capture the above elements. Review inspection reports in three facility files for the same information.	

Compendium Line Citation	Standards	Deficiency
Line 5019 HSC 25288(b)	The CUPA may require use of a special inspector 1. How many times has the CUPA required a special inspector to perform routine compliance inspections? 2. If the answer is one or more, was a list of special inspectors provided to the owner/operator? 3. Does the CUPA anticipate that it will require the owner/operator to use one? 4. Review a special inspector report to determine if an appropriate level of detail was applied to the inspection and if there was appropriate oversight by the CUPA.	
Line 5021 T23 2712(e)	Follow-up inspections to verify correction of violations 1. What method does the CUPA use to ensure that the plan of correction is submitted within the required timeframe and that it is carried out? 2. Ask for documentation showing the CUPA verified compliance or took follow-up enforcement action within a reasonable time frame? 3. Review three facility files to assess whether the CUPA documented how and by when violations were corrected. If appropriate review the data management system for it. 4. Review written inspection and/or enforcement procedures to verify that the method is adequately described.	
Line 5022 T23 2635(d)(5)	Installation inspections 1. Does the CUPA oversee installation inspections? 2. If so, does it have written procedures and a checklist? 3. Verify that the CUPA maintains written installation guidelines and appropriate inspection tools such as an installation checklist(s).	

Enforcement Standards

General purpose/summarization for why these standards exist: To allow and promote enforcement of UST statute and regulations

Compendium Line Citation	Standards	Deficiency
Line 5012 HSC 25285.1(b)	Revocation of the permit 1. Under what conditions are permits revoked? 2. How many times has the agency revoked a permit? 3. Has the agency revoked a permit for any cause provided in Section 25285.1 (at least if o/o not in compliance with financial responsibility requirements) 4. Is this explained in the enforcement procedures? 5. Review a facility file at which a permit has been revoked. 6. Review the enforcement procedures for an appropriate level of detail. The procedures should explain the criteria under which a permit will be revoked and the CUPA's process for doing so.	
Line 5020 HSC 25288(d)	Owner/operator plan of correction 1. How much time does the CUPA gives the owner/operator to correct violations? 2. Is it included on inspection reports? Review inspection reports in three facility files to verify that timeframe for correction is included on the reports. 3. Is it contingent upon the severity of the violation? 4. Is this explained in the written enforcement procedures? 5. Verify that inspection and/or enforcement procedures adequately capture the CUPA procedures. This is especially important where timeframes for correction is less than 60 days.	
Line 5023 T23 2712(g)	The CUPA shall take appropriate enforcement actions 1. Does the CUPA have written enforcement procedures? 2. Does the CUPA have documentation showing enforcement taken in accordance with its written enforcement procedures? 3. Review enforcement procedures for appropriate level of detail. Review enforcement actions taken as provided by facility file or other documentation.	

Reporting Standards

General purpose/summarization for why these standards exist: To ensure that information is provided by the CUPA to the RWQCB or SWRCB as appropriate

Compendium Line Citation	Standards	Deficiency
Line 5025 T23 2713(a)	The CUPA shall transmit UARs to the RWQCB 1. How does the CUPA ensure that UARs are transmitted to the RWQCB?	
Line 5026 T23 2713(b)	For sites where it oversees cleanup, the CUPA shall transmit UAR release update report information to the RWQCB 1. What type of cleanup does the CUPA oversee? 2. How does the CUPA ensure that release update report information is transmitted to the RWQCB?	
Line 5027 T23 2713(c)	The CUPA shall submit UST Quarterly Reports to the SWRCB 1. Verify by review of SWRCB Quarterly Report files that the SWRCB has received all Quarterly Reports since certification. 2. If one or more reports are missing, request the CUPA to provide copies of the missing report(s).	

Table 1A
Evaluation of CA-only, AST Program, and Related Title 27 Standards

General purpose/summarization for why these standards exist: To ensure that CA-only, AST program, and related Title 27 requirements are evaluated.

Compendium Number	What Is Required (from Standard)	Recommended Questions	Document(s) to Review	Deficiency Observed, Program/Standard Under Which to Enter a Deficiency In Evaluation Report
CA-only issues (for numbering, see CA compendium)				
5027	Transmittal of surcharge fees within 45 days of collection	1) On what basis does the CUPA collect surcharge fees? 2) Once collected, what is done with the fees?	Records showing dates of collection and transmittal	UST/Reporting
???	Ordinance review	How does the CUPA ensure that the local UST ordinance remains in harmony (not in conflict) with UST statute and regulations?	Copy of ordinance	UST/State Agency Notes
AST Requirements				
6000	SPCC inspection	1) How do CUPA inspectors determine if an SPCC plan is required? 2) When a plan is lacking, what kind of information is provided to the owner/operator? 3) How are the inspections and inspection results tracked for incorporation into Reports 3 and 4?	Written procedures; SWRCB or equivalent AST form	AST/Inspection
Related Title 27 issues				
1219	Submittal of inspection and enforcement actions	1) Does the information provided in these reports make sense? 2) For example, does the number of informal actions closely match the number of inspections conducted? 3) Does the number of inspections seem to indicate that inspections are being conducted at the required frequency?	UP Reports 3 and 4	UP/Administration
	Written procedures		Written procedures	UP/Administration

Table 2
File Review To Assess Adequate Oversight
of Upgrading or Repairing of Tanks

Review a file of a facility at which one of the three scenarios took place.
A "no" answer may indicate a deficiency. Briefly describe any deficiency observed.

Does the file contain the following documents or information or can the CUPA provide other evidence used to verify compliance?	Upgrade by Lining/CP	Upgrade by Bladder/CP	Repair of Tank by Lining/CP
1. A report showing the tank has been certified for structural soundness by a special inspector. [§2663]			
2. Contractor information showing qualifications of the special inspector, coatings expert, and lining contractor. [§2663 et. seq.]			
3. The lining contractor shall be licensed by the CSLB and have the hazardous materials substance certification. [LG 48-6]			
4. Third-party certification of lining material and process. [§2663(e)]			
5. Testing and inspection results of the applied lining (visually checking, testing for thickness and hardness of the lining, electrical resistance holiday detector results for steel tanks, vacuum test). [§2663(h)]			
6. Certification from the special inspector or coatings expert that the tank is suitable for continued use [§2663(h)]			
7. Written certification of the lining inspection by the coatings expert or the special inspector submitted to the local CUPA within 30 calendar days of completion of the inspection. [§2663]			
8. Results of the post-upgrade/repair tank and/or piping integrity test show a passing test. [§2663]			
Question 9 pertains to a tank repaired by lining			
9. Installation records of a vapor or ground water monitoring system. [§2661(g)]			
Questions 10 and 11 pertain to a tank upgraded by installation of a bladder system			
10. Evidence that the materials used in the bladder system and in the installation process is approved by an independent testing organization. [§2664(b)]			
11. Certification that sufficient measures have been taken to minimize or eliminate the potential for the underground storage tank or interstitial monitoring system components to puncture the bladder. [§2664(b)(6)]			

Table 3
File Review To Assess
Document Maintenance and Organization

Document To Locate	For each file, if the document exists, indicate by checkmark (✔):		
	File 1 Routine Inspection	File 2 LUSTIS	File 3 Upgrade / Repair
1. Current Permit (Operating or Consolidated)			
2. Monitoring plan			
3. Response plan			
4. Plot plan (showing location of monitoring)			
5. Owner/operator agreement (if the owner is not the operator)			
6. Inspection report within last three years			
7. As of December 31, 2000, and thereafter, annual inspection report			
8. Documentation showing follow up actions have been taken by the CUPA/CA to verify correction of identified violations or to take enforcement			
9. Documentation of enforcement action(s)			
10. Correspondence			
11. Construction plans (original, as-builts, modification, upgrade)			
12. Upgrade certification documents			
13. Tank and piping integrity test reports as required by regulations			
14. Annual SIR summary statements			
15. Annual maintenance inspection report within the last year			
16. Annual maintenance inspection report for the last three years			

	Low				High
Degree of Organization:	1	2	3	4	5
Degree of Maintenance:	1	2	3	4	5

Comments: _____

Recommendation: Develop checklist ____ Update documents ____ Complete file ___

Evaluation Tips

Evaluation Tips

- Disagreements may arise during the course of the evaluation. Be polite and willing to listen. If an agreement cannot be reached suggest that the issue be raised to State management for comment and possible resoluation.

- Ask questions of sufficient detail to assess whether the CUPA meets Performance Standard requirements.

- To discuss a new topic, use an opening statement.

  Example: "Let's discuss the fee accountability system."

- Ask open ended questions rather than questions that can be answered by yes or no. Open ended questions require the staff person to explain their process by which they achieve compliance with a performance standard. You determine whether the process meets the performance standard.

  Examples:
  - What is the procedure is for approving the monitoring, response, and plot plans? Ask for a copy of the forms used if any.
  - How are these plans are updated or reviewed for accuracy?
  - Is the monitoring procedure reviewed for compliance with regulatory requirements? For appropriate level of detail? Does it specify under what conditions pump shutoff occurs for sump sensors, line leak detectors, and dispenser sensors?

  Example: What enforcement actions are taken when a tank owner/operator fails to take appropriate monitoring or reporting requirements? Is the permit revoked? Under what conditions is the permit revoked?

- Ask for documents that will show how a CUPA implements a Performance Standard.

  Example: Verify that three-year inspections have been conducted by asking to see the CUPA inspection tracking system. Verify that the CUPA tracks inspection dates and that the data meets the required frequency.

Evaluation Tips

Situations To Avoid

- Refrain from apologizing for the evaluation or for the process. Listen to complaints or criticisms, paraphrase what you have heard, state that it may be necessary to raise this to management for consideration, and give a date by which you will get back to the CUPA to inform of status.

- Refrain from agreeing with a position if you have a reason to disagree.

  Example: The CUPA provides you with its inspection tracking system. The data presented indicates some facilities have not been inspected in the last three years. When asked about the data, staff states that they know that these facilities have been inspected in spite of the data. Unless other evidence is provided, this should be considered a deficiency. While the CUPA may want you to accept verbal assurance it should not be considered adequate.

- Avoid being vague and wishy-washy.

  Example: Suggesting during the introduction that the evaluation is conducted just to see if there are problems.

- Avoid writing editorial comments on issues not related to performance standard requirements.

  Example: Commenting on how to improve a form's layout.

CARB Training Program "Inspector Conduct and Liability"

CARB had developed a training program for its inspectors: Course 113, Inspector Conduct and Liability. This document is added here because it contains some valuable strategies. While the terms "inspector" and "inspection" are used the terms "evaluator" and "evaluation" can be substituted for equal benefit.

[Beginning of "Inspector Conduct and Liability"]

UNIFORM AIR QUALITY TRAINING PROGRAM

INSPECTOR CONDUCT AND LIABILITY
COURSE 113

California Environmental Protection Agency
Air Resources Board
Compliance Division

INSPECTOR CONDUCT AND LIABILITY

GOALS

The purpose of this series of lessons is to present the principles that govern the actions an inspector must take to perform an inspection in a professional manner. Inspectors rights, obligations, and liability will be discussed. The basic operating principle that governs every inspection is that inspections are official regulatory acts.

OBJECTIVES

At the end of this course you should be able to:

1.   Describe the general pattern to follow in conducting an inspection.

2.   Discuss elements of inspector conduct that are most important in presenting a professional image.

3.   Explain why neutrality on the part of an inspector is important in dealing with different parties affected by inspection activities.

4.   Outline proper entry procedure and an inspector's legal rights in entering a facility.

5.   Describe the course of action an inspector should take when denied entry or when asked to leave during an inspection.

6.   Discuss in detail an inspector's responsibilities and liabilities with respect to confidential data.

INSPECTOR CONDUCT AND LIABILITY

I. INTRODUCTION

This course presents principles and guidelines that govern the actions an inspector must take to perform a comprehensive inspection in a professional manner. Inspectors' conduct, obligations, and liability will be discussed.

The basic principle that governs every inspection is that inspections are official regulatory acts. The inspector represents a regulatory agency and may be the only air pollution official ever seen by a plant manager. This role requires tact, a professional attitude, and diplomacy. The inspector creates a visible presence of government interest in the environmental status of the facility; the potential of an inspection creates an incentive for compliance.

There is no such thing as a "routine inspection." Approaching an inspection as "routine" conveys the attitude that there is no great environmental problem and suggests that inspection procedures may be done in a careless manner. The difficulty is that, years later, that very inspection may be the first piece of litigation.

Remember, each inspection can lead to an enforcement action. This cannot be overemphasized, as it affects the way you handle everything from entry to possible appearances in court.

II. GENERAL INSPECTION PATTERN

Inspections usually follow the general pattern:

1. File review

2. Entry and entrance interview

3. The inspection

4. Exit interview

5. Follow-up report

Don't Pretend Knowledge

Unless you have experience in a particular industry and specifically this source, do not pretend knowledge. Remember, your job is to collect information, not to illustrate your wisdom. Source staff are often more willing to talk to someone who is inquisitive and seems interested in learning than a "know it all." This will help confirm information you may already have. Asking questions to obtain new information about a process, operation, or piece of equipment is the inspector's main role in an inspection.

On the other hand, being familiar with the source, and the process will establish your credibility as a technical professional.

Don't Recommend Solutions

It is against most agency policies to suggest or recommend specific engineering solutions or to endorse products. The solution to a compliance problem may be obvious to you based upon your experience. However, if the source follows your suggestion and fails, can you guess who will be held responsible? Both you and the agency you represent may be held liable. In such cases, it is always best to refer the source to the yellow pages or a list of agency-approved contractors or consultants. This is not the same as providing general suggestions to assist the source in complying with permit conditions. For example, inspectors may point out the need for better maintenance of equipment or improved housekeeping.

Don't Act As An Attorney

Unless you are in possession of a law degree and are retained in that capacity by your agency, you should never act as an attorney in your dealings with the source. Your job is to inspect, document, and enforce the law, not to interpret laws or give legal advice. You should, however, be thoroughly familiar with applicable regulations and be prepared to explain these regulations. This is especially important when you issue a notice of violation. Follow your agency policy --some enforcement agencies do not issue violation notices during the initial inspection.

Neutrality is also important when conducting compliance inspections not related to complaints. Most sources are cordial and understand the importance of environmental compliance; however, some may take either an adversarial or an overly-cooperative position. As we shall see, both may compromise an inspector's integrity.

Adversarial Sources

Openly adversarial situations are in many respects the easiest to handle—just keep your cool. As a representative of a regulatory agency, you may be the focus of a source's frustration about the government in general and as such, be subject to verbal abuse. Remember that verbal abuse is not usually a personal attack and often is not even directed at your agency. When the attack is directed at your agency, it is often not personal and should not invoke a negative reaction. Submerge any personal feelings you may have and place yourself in a mindset that separates you personally from the agency. You must at all times present a professional, neutral demeanor so that the source will not have evidence to later rebut your testimony due to bias or unprofessional conduct.

Keep your emotions in check. Do not display anger or aggressiveness. Patiently allow the source staff person to vent his or her anger. When they have calmed down, you are in a position to communicate. A confrontational attitude on your part is unprofessional and unproductive. On the other hand, you should not agree with the source just to reduce the level of adversity. It is better to remember your role as an inspector and just ask inspection-related questions. Attempt to get them away from subjective feelings toward environmental regulations and agencies. This reduces the adversity to the level of whether or not they will answer.

Body language is as important as what you say. Lean back, relax but stay attentive. Ignore off-the-cuff remarks. Establish a positive climate and rapport with the interviewee. If physical threats are made, leave the premises and contact your supervisor.

Free and Open Fields Access

It is not always necessary for an inspector to receive permission to go on plant property. The U.S. Supreme Court decision in the 1974 Western Alfalfa case established that a free and open fields concept covered air pollution inspectors. "Open fields" and "in plain view" situations are where the inspector can observe things in plain view of anyone. This means that you have the right to enter a property without permission as long as you confine the entry to places to which the public has free access. Open access rights end at the gate, fence, or other barriers. If you must go through a gate, you need permission. Do not be guilty of illegal entry.

Scheduling An Inspection

You are not obligated to make an appointment with a source before arriving to conduct an inspection. It is appropriate to inspect a facility during "normal working hours." The source determines those hours by operating. If they operate during the middle of the night, you may do your inspection then. You are not necessarily restricted to a 9 to 5 inspection.

Keep in mind that certain inspection times are to be avoided if possible. One time to avoid is a shift change. There is often chaos during a shift change and your time can easily be wasted. Additionally, the new shift manager may not be fully aware of the events that happened on the previous shift. Lunch hour is also a bad time to start an inspection. Locating someone with the authority to consent to the inspection may be difficult. The facility may not operate during lunch. Finally, from the standpoint of professional courtesy, arriving for an inspection just before closing or is not advisable.

Proper Entry Procedures

Inspectors should follow proper procedures when entering a facility so that no questions or challenges can be raised about the legality of the inspection. Enter at the main entrance, not the back door. Show your credentials to the guard (if there is one) at the gate or to the receptionist and ask to see the owner, plant manager, or in some jurisdictions, a notice of violation will be issued if entry is denied. By remaining calm during a denied access encounter, you preserve your neutrality and will have more credibility if later court testimony is required.

Depending on the urgency of inspecting the facility, your agency may petition the appropriate legal authority to issue an inspection warrant after proving to the court that there is justification for an inspection. An inspection warrant is a court order granting government agents the right to conduct inspections of private property in the interest of public health and safety. Before you return to serve the inspection warrant, it may be prudent to request assistance from your supervisor or other law enforcement authorities as the source may still attempt to deny entry. Always know and follow your agency's policies in these matters.

Signing Entry Forms

Most major sources and many minor sources have sign-in sheets. These take two forms: entry logs and hold-harmless agreements. The entry log is acceptable; it is simply a record of entry.

The hold-harmless agreement is more of a problem. A hold-harmless agreement will contain language stating that the source assumes no liability for the inspector's safety. By signing such an agreement, you are, on paper, waiving your right to redress an injury in court. Inspectors should never sign a hold-harmless agreement, even if the source states it is a requirement for entry. If you are denied access based upon failure to sign, you must handle it as a denied entry and respond appropriately. Whether such agreements are legally binding is a complex issue. As always, it is important to know and follow your own agency's policies on entry forms.

[End of "Inspector Conduct and Liability"]

PHASE III

POST-EVALUATION
ACTION ITEMS

Introduction to Phase III

You have just completed the evaluation and are entering Phase III. Phase III covers post-evaluation action items you will probably take.

PHASE III

Before The Team Departs

Before the team departs, the evaluation team should get together and brainstorm positive aspects of the evaluation process and areas where changes can or should be made to improve upon it. The Evaluation Performance Survey may be used to document your ideas. The Team Leader should forward this to Maria Soria for discussion at T4 meetings.

Report Development

You will develop an evaluation report which will be submitted to the Team Leader for inclusion into the draft report. To promote consistency, completed SWRCB write-ups to identified deficiencies are listed in this section. Use them as a template and a guide when developing your reports. Propose updates to the SWRCB write-ups to conform to changes in the Performance Standards.

SWRCB CUPA Evaluation Information Tracking System

An outline describing the SWRCB CUPA Information Tracking System is presented. The database tracks event milestones including SWRCB deliverables, signoff dates, and report receipt dates.

SWRCB Follow-up Responsibilities in the Report Development Process

Along with developing the SWRCB evaluation report, you will also be checking that the Team Leader includes your write-up as you submitted it. This applies equally to the SWRCB Response to CUPA comments you will prepare.

Evaluation Performance Survey

Considerations:

- As practical, complete this survey directly following the CUPA evaluation. This will help identify issues while they are fresh in mind.
- Brainstorm for techniques that assisted you in performing the evaluation. List these under "Pluses." Brainstorm for changes you think can or should be made to improve the evaluation. List these under "Deltas."
- Submit to Maria Soria for discussion at T4 meetings.

Pluses:

_____

_____

_____

_____

_____

_____

Suggested recommendations for improvement:

_____

_____

_____

_____

_____

_____

Problems interpreting compliance with Performance Standard requirements:

_____

_____

_____

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_____

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_____

Completed SWRCB Write-ups On CUPA Deficiencies

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Completed Write-ups

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Completed SWRCB write-ups on CUPA deficiencies are entered under the [standards and State Agency Notes](#) outlined on the following three pages. For example, a write-up about a deficient UST permit will be entered under the permitting standard of IV. E. Underground Storage Tank Program. A write-up about a deficient Consolidated Permit will be entered under the permitting standard of IV. A.. Unified Program Implementation Review. This format is adopted from the CUPA Evaluation Process Guidance Manual.

Completed Write-ups

The write-up headings are formatted to conform to the standardized report format, namely Arial font and in bold.

Deficiency: Also identify the observed basis for the deficiency
Standard:
Required Action:

You may use the write-ups verbatim or as a starting point from which to develop your own. Either way, cut and paste as you see fit. Remember, you will be developing your report in WordPerfect. As such, some reformatting may be necessary.

State Agency Notes

During an evaluation, you may find that the CUPA implements most performance standards. Yet based on other evidence, program implementation is weak or ineffective. You may include your findings, those outside the scope of the performance standards, under the heading "State Agency Notes." For each program element, these will be entered after the write-ups of deficiencies to performance standards.

To document these issues, the following headings are used, again in Arial and in bold:

Observation:
Recommendation:

Program Elements, Standards, and Write-ups

Unified Program

IV. A. Unified Program Implementation Review

UP Self-Audit Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

UP Administrative Standard Deficiencies
Write-up: Written Procedures
Write-up: Transmittal of UST Surcharge Fees
Write-up: Use of Outdated Forms

UP Permitting Standard Deficiencies
Write-up: Permit Program Plan
Write-up: Consolidated Permit
Write-up: UP Permit Incomplete

UP Inspection Standard Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

UP Enforcement Standard Deficiencies
Write-up: Misreporting Enforcement

UP Single-fee System/Fee Accountability Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

UP Reporting Standard Defiencies
Write-up: AST Inspection Reporting

UP On-going Training Standard Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

UP State Agency Notes
Write-up: Inadequate Inspector Training

IV. E. Underground Storage Tank Program

UST Permitting Standard Deficiencies
Write-up: UST Permit Incomplete
Write-up: Monitoring Program Plans

UST Inspection Standard Deficiencies
Write-up: Inspection Frequency

UST Enforcement Standard Deficiencies
Write-up: Outdated UST Ordinance

UST Reporting Standard Deficiencies
Write-up: Quarterly Reporting

UST State Agency Notes
Write-up: Incomplete Inspection
Write-up: Three-year Inspections
Write-up: Information Availability
Write-up: Inadequate Checklist
Write-up: Document Maintenance
Write-up: Document Retention
Write-up: Lack of a Data Tracking System
Write-up: Due Date For Correction
Write-up: Compliance Verification and
              Documentation

UST Program

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AST
Program

</div>

IV. F. Aboveground Storage Tank Program

AST Inspection Standard Deficiencies
Write-up: AST Inspection

AST State Agency Notes
[Note: This heading is a placeholder to enter Observations and Recommendations regarding the AST Program]

IV. A. Unified Program Implementation Review

UP Self-Audit Standard Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

UP Administrative Standard Deficiencies

Deficiency: *[Note to evaluators: choose and/or modify one or both paragraphs below to fit your writeup. Consider including specific deficiencies as examples for which written procedures should be developed or updated.]*

Written procedures explaining how the CUPA meets Performance Standard requirements are not adequately developed.

Written inspection procedures are not adequately developed for each program element.

Standards: References providing justification for written procedures are captured in these sections:

- Title 27, CCR, Section 15180(a)

  The CUPA shall maintain administrative procedures to carry out the requirements of coordinating, consolidating, and making consistent the Unified Program.

- Title 27, CCR, Section 15180(a)(2)(A)

  The CUPA shall maintain procedures for records maintenance.

- Title 27, CCR, Section 15200(f)

**Deficiency:
Written
Procedures**

The CUPA shall implement an Inspection and Enforcement Program Plan. The Plan shall be prepared in cooperation with all proposed PAs of the jurisdiction and shall contain provisions for administering all program elements.

- Title 27, CCR, Section 15200(f)(2)(F)

  The inspection component of the Inspection and Enforcement Plan shall include a description of the efforts made to eliminate duplication, inconsistencies, and lack of coordination within inspection and enforcement programs.

- Title 27, CCR, Section 15280(a)(2)

  The CUPA shall prepare summaries of program element activities including , but not limited to, the number and types of businesses regulated under each program element, the number and type of inspections completed, the number and type of violations found, the enforcement actions taken, and the effectiveness and efficiency of permitting and inspection and enforcement activities undertaken.

Required Action:

[Note to evaluators: choose and/or modify one or both paragraphs below to fit your writeup.]

Develop and maintain written procedures. This report leaves it up to the CUPA to define the level of detail necessary to address each Performance Standard requirement. The following are recommended strategies other CUPAs are using to promote consolidation, coordination, and consistency within CUPA implementation:

- Explain in the written procedures how the CUPA complies with Performance Standard requirements.

- Reference documents already developed. For example, to address UST inspection procedures adopt the SWRCB <u>UST Facility Compliance Handbook</u> *A Handbook for Local Agencies*. This will promote consistency among CUPA inspection staff and will relieve the CUPA from having to develop new guidelines.

  Identify in your response to this report when written procedures will be developed and implemented. Also explain the procedure by which written procedures will be reviewed and updated by management and made available to staff.

Deficiency:
Transmittal
of UST
Surcharge

Deficiency: *[Note to evaluators: This applies only to CA's.]*

The CA has not transmitted UST surcharge fees within 45 days of collection.

Standard: HSC Section 25287(b) states the local agency shall transmit all remaining surcharge revenue collected by the local agency to the board within 45 days after receipt pursuant to subdivision (a).

Required Action: Transmit all collected UST surcharge fees minus 6%to the state. Develop written procedures covering collection and transmittal of surcharge fees. Provide the Team Leader a copy of the procedures.

Deficiency:
Use of
Outdated Forms

Deficiency: The CA is using outdated forms. Specifically, SWRCB Forms A, B, and C dated 7/91 and 6/95 continue to be used.

Standard: Title 27, CCR, Section ???

Required Action: Discontinue using the SWRCB forms. Use Consolidated Tank Forms 1, 2, and 3.

UP Permitting Standard Deficiencies

Deficiency: The CUPA has not maintained a
Consolidated Permit Program since
certification.

Standard: Title 27, CCR, Section 15190(a)

The CUPA shall maintain a Consolidate
Permit Program which shall be implemented
according to a Consolidated Permit Program
Plan.

**Required
Action:** Develop, update, and maintain, as
appropriate, a Consolidated Permit Program.
Consider using the Consolidated Permit
Program Plan submitted in the CUPA
application as a basis. Identify to the Team
Leader when the Program will be completed.
Remember to explain the CUPA procedure
for verifying facility compliance before
issuance of the permit.

Deficiency: The CUPA has not issued Consolidated
Permits to facilities requiring them.

Standards: Title 27, CCR, Section ???

**Required
Action:** For those facilities that required them, begin
issuance of Consolidated Permits. Identify in
your response to this report the date by which
issuance will begin. Verify that your procedure
complies with that identified in the
Consolidated Permit Program Plan.

Deficiency: The Consolidated Permit does not include
required elements.

Standard: Title 27, CCR, Section 15190(c)

Consolidated Permits shall consist of a cover sheet and an addenda page. The cover sheet shall include the following elements:

- Program element permit status (temporary, provisional, or permitted).
- Business name and address.
- Permit issuance and expiration date or an alternate way identifying the effective term of the permit.
- A list of the program elements which make up the Consolidated Permit and the agency(ies) responsible for issuing the permit(s).

The addenda page shall document permit conditions for each applicable element of the Unified Program.

Required Action: Amend the Consolidated Permit to include all required elements as listed above. Provide the Team Leader with a copy of the amended permit.

UP Inspection Standard Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

UP Enforcement Standard Deficiencies

Deficiency: The CUPA has misreported the number of informal UST actions on Report 4, Annual Enforcement Summary Report.

The number of informal enforcement actions given on Report 4, Annual Enforcement Summary Report, for Fiscal Year 1997/98 shows 39. The number of routine inspections reported in Report 3, Annual Inspection Summary Report, is 77. These numbers should be closer in value because the CUPA stated that most inspections reports identify violations.

**Deficiency:
Misreporting
Enforcement**

Standards: Title 27, CCR, Section 15180(a)(2)

Summaries of program element activities including, but not limited to the number and types of businesses regulated under each program element, the number and type of inspections completed, the number and type of violations found, the enforcement actions taken, and the effectiveness and efficiency of permitting and inspection and enforcement activities undertaken.

**Required
Action:** Consider any enforcement action that does not carry a administrative, civil, or criminal penalty an informal action. Issuance of an inspection report that identifies violations fits this criteria. Account for this in future submittals of the Annual Enforcement Summary Report. Update written procedures to reflect this interpretation.

UP Single-fee System/Fee Accountability Standard Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

UP Reporting Standard Deficiencies

Deficiency: The CUPA has not begun tracking AST inspections.

Standard: Title 27, CCR, Section 15290.

**Required
Action:** Begin tracking AST inspections for reporting on Report 3, Annual Inspection Summary Report.

UP On-going Training Standard Deficiencies
[Note: This heading is a placeholder to enter deficiencies of these standards]

**Deficiency:
AST
Inspection
Reporting**

Deficiency: Inadequate Inspector Training

UP State Agency Notes

Observation:

The CUPA indicates that inspector training will be provided through staff meetings, professional seminars, and workshops. During the meeting, we discussed inspector training opportunities; these are recapped below.

Recommendation:

Since consistent training is necessary for coordination and consistency between inspection staff, the CUPA should provide staff with routine training regarding leak detection, monitoring, and construction requirements and UST inspection procedures through one or more of the following mechanisms:

- Thoroughly read and habitually use the SWRCB UST Program Guidelines and the recently published SWRCB UST Facility Compliance Inspection Handbook. These give information on preparing for the inspection, performing the inspection, and following up on the inspection. It gives information on how to inspect the various records and equipment. It also outlines options to perform an inspection: prioritization of agency facilities; perform them on a three year basis versus annual inspections versus annual records review; perform announced versus unannounced inspections; and whether to coordinate the inspection with the annual equipment certification.
- Consider using the checklists given in the appendices at the end of the Guidelines. They will lead an inspector to ask the right questions.
- A video has been released which complements the Program Guidelines and gives further guidance. Use it to promote inspection thoroughness and consistency between all inspection staff.
- Contact SWRCB personnel when questions arise.

- Contact equipment manufactures or vendors using LG 113 as a guide.
- Continue to attend SWRCB/EPA sponsored UST training classes.
- Subscribe to UST publications such as LUSTline, Tank Talk, or Petroleum Equipment & Technology
- Consult the SWRCB web page (www.swrcb.ca.gov/~cwphome/ust/usthmpg.htm) for updates to the tank program or for electronic access to SWRCB UST documents such as the state law and regulations, LG letters, and upgrade information.
- Track both formal and informal training for purposes of providing this information during the CUPA review.

IV. E. Underground Storage Tank Program

UST Permitting Standard Deficiencies

Deficiency: The permit does not contain all required elements.

The permit states "The permittee must comply with the approved monitoring procedures referenced in the permit." However, the permit includes no reference. Response and plot plans are not referenced. Other pertinent information is missing.

Standards: Title 23, CCR, Sections 2632(b) and 2712

The permit shall have the following information included or attached to it:

- Approved monitoring, response, and plot plans.
- State underground storage tank identification number(s) for each tank for which the permit is issued.
- A statement that the owner and operator are subject to all applicable requirements of Chapter 6.7 and 6.75 of the Health and Safety Code and their regulations.
- A statement that it is required to be maintained on-site.

Required Action: Amend the permit to state either 1) the approved plans (monitoring, response, and plot) are attached to the permit or 2) they are to be maintained on site in an accessible location. Amend the permit to include #332 - #334 shown above. To show correction, submit an action plan or a copy of the amended permit to the Team Leader within 60 days of this report.

Deficiency:
UST Permit
Incomplete

Deficiency: Monitoring Program Plans

Deficiency: Monitoring, response, and plot plans are not reviewed for conformance with UST requirements.

The permit references the Business Plan as the location of the UST response and plot plans. Based on review of the Business Plan during the inspection, it was found that the Business Plan's response and plot plans do not comply with UST requirements.

The CUPA has not reviewed plot plans to verify that the location of monitoring is included. A file review showed that monitoring plan information submitted by the owner or operator was not adequate in detail to explain monitoring details for the site. The CUPA approval of the monitoring plan does not include verification that the plan identifies under which conditions automatic pump shutdown will occur. The three conditions are when a release condition is detected, when the system fails, and/or when the system is disconnected. The CUPA did not require further clarification.

Standards: Title 23, CCR, Section 2641(g)

The monitoring program shall be approved by the local agency and shall be in compliance with the requirements of this article and with the underground storage tank operating permit

Required Actions: 1) When performing inspections or file reviews, verify the monitoring chosen by the tank owner identified in the monitoring plan:
- continues to comply with regulatory requirements and
- is of adequate scope and detail. This includes identifying the extent of automatic pump shutdown. Require all deficient plans to be updated before reissuance of the operating permit.

2) When performing inspections or file reviews, verify plot plans comply with UST regulatory requirements by indicating the location where monitoring is performed.

3) Update or develop written procedures regarding updating of deficient permit conditions.

UST Inspection Standard Deficiencies

Deficiency: Based on review of the CUPA's inspection tracking database printout, inspection of some UST facilities have not been conducted once every three years.

Standard: HSC Section 25288(a); Title 23, CCR, Section 2712. Regulated USTs shall be inspected at least every three years to determine if the business is in compliance with statutes and regulations.

Required Action: Provide evidence that all inspections have been conducted at least once every three years or explain why this frequency has not been maintained. Identify and pursue inspections of those facilities that have not been inspected in the last three years. Submit a list of these facilities with the action plan for inspection to the Team Leader.

UST Enforcement Standard Deficiencies

Deficiency: *[Note to evaluators: This usually will apply only to CA's since the CUPA's ordinance was reviewed/approved during the certification process.]*

The local UST ordinance, Chapter 766 adopted in December 1983 and unchanged since, is no longer consistent with state law and

Deficiency: Inspection Frequency

Deficiency: Outdated UST Ordinance

regulations. This issue was raised during an agency visit conducted by the SWRCB in 1995. In response to the visit, the county responded in a letter dated November 9, 1995 "A draft of the revised ordinance will be presented to the Board of Supervisors upon completion, with a goal of adoption by June 30, 1996."

Standard: HSC Section 25299.1(a) states any city or county which prior to January 1, 1984, adopted an ordinance which, at a minimum met the requirements set forth in Section 25284 and Section 25284.1 (removed from statutes), as they read on January 1, 1984, prior to being amended and renumbered, providing for double containment, and monitoring of underground storage tanks which was exempt from this chapter as of December 31, 1989, is not exempt from implementing this chapter and shall implement this chapter on or before January 1, 1991.

**Required
Action:**   Either 1) amend the ordinance to reflect state law and regulations, 2) adopt the state law and regulations by reference, or 3) rescind the ordinance and follow the state laws and regulations without one. Develop an action plan and provide it to the Team Leader.

UST Reporting Standard Deficiencies

Deficiency: Since certification, the SWRCB has not received reports for the quarters of April to June 1997, 1998, and 1999 and October to December 1997.

Standard: Title 23, CCR, Section 2713(c) On a quarterly basis, each CUPA shall send to the State Water Board information pertaining to local underground storage tank program implementation and enforcement activities.

> **Deficiency:**
> **Quarterly**
> **Reporting**

Title 27, CCR, Section 15290
What reports must the CUPA submit to the State?

...

(d) On a quarterly basis, each CUPA shall send information pertaining to local underground storage tank program implementation to the State Water Resources Control Board. This report shall satisfy the requirements of Health and Safety Code, Section 25299.7(b) and CCR Title 23, Section 2713.

(1) Quarterly Underground Storage Tank (UST) Program Report, using Report 6, provides information on quarterly changes to the count of regulated tank facilities; the number of active and permanently closed petroleum and hazardous substances tank systems; the completed UST facility inspections; and both a count and percent calculation of active UST systems with approved leak detection systems and the count and percent of UST systems that meet the 1998 upgrade or replacement requirements. This report is a turnaround document that is provided quarterly by the State Water Resources Control Board to each CUPA showing the previous quarter's information reported by the CUPA. The CUPA will also review and verify the information shown from the previous quarter and make any appropriate changes.

(2) The quarterly reports shall be submitted 60 days after the end of each quarter to the:
State Water Resources Control Board
Division of Clean Water Programs, UST Program
P.O. Box 944212
Sacramento, CA 94244-2120

Required Action: Develop written procedures identifying the CUPA Quarterly Report submittal process. Submit a copy of the written procedures to the Team Leader. Submit Quarterly Reports within 60 days of the end of each quarter.

Deficiency: Incomplete Inspection

Observation:

Inspectors are not always able to perform thorough inspections to verify compliance because of lack of qualified personnel to assist in checking UST system and leak detection equipment.

Recommendation:

To assist inspectors during inspections, consider requesting owner and/or operators have the annual maintenance contractor on-site during the routine inspection. CUPAs have indicated that, while logistically more involved, using this technique allows:

- All system components can be checked to the satisfaction of the inspector while relieving the inspector of personal liability. This helps ensure that no components are overlooked (for instance pump shutdown capability).

- The inspector to get leak history alarm reports from control panels that provide such information.

- The inspector can verify that each system component is in compliance with regulations and permit conditions. Generally, this will reduce the occurrence of some feature of the monitoring plan going unchecked.

  Example: The sump sensors are set up to provide pump shutdown if the system detects a release condition or when the system fails or is disconnected. The inspector should verify the system performs under these conditions.

  If dispenser probes are set up to shutoff power to the dispenser when a release condition is detected, then this should also be checked. This type of information should be articulated in

the monitoring plan. The plan can then be used by the owner, operator, contractor, and inspector to determine how to verify system operability.

- The inspector can learn about monitoring equipment operation from maintenance company personnel and can review and observe the contractor's qualifications and capabilities.

  CUPAs have related that they coordinate by 1) requiring the tank owner to have their maintenance company present during a scheduled inspection or 2) by finding out from the owner/operator when the annual maintenance will be conducted then schedule the inspection for that date and time.

Deficiency: Incomplete Inspection

Observation:

The SWRCB accompanied agency staff on an inspection of a UST facility. The inspector conducted a thorough inspection with the assistance of the annual maintenance contractor. To improve the inspection program the inspector should inspect more thoroughly the following:

[Note: Pick those that apply and amend as needed.]

- The operating permit and accompanying monitoring, response, and plot plan:
  - ➤ Check that each of these documents are on-site and available to responsible employees.
  - ➤ Check that the monitoring plan 1) is adequate in scope and detail and 2) conforms to regulatory requirements for the facility. Also, check that the facility complies with the plan.
- Annual maintenance testing of leak detection equipment:
  - ➤ According to the operator and based on available records, annual testing had not been conducted within the last 12 months. Require that records be submitted or testing be conducted. Give a specified time period.

- ➢ Verify that monitoring system components remain listed on LG 113.
- ➢ Verify that pump shutdown occurs under the conditions required by regulation. For clarification, see Option 1 at: http://www.swrcb.ca.gov/~cwphome/ust/ustguide.htmTable 11
- Inspection of all sumps and dispensers:
  - ➢ Thoroughly inspect each for presence of debris or product, for signs of leakage, and for appropriate monitoring.
  - ➢ For dispensers, visual monitoring is required if no other monitoring is being performed. Check for appropriate records.
- UST publications:
  - ➢ Bring to the inspection UST publications including the UST regulations for reference, education, and for distribution.
- Safety equipment:
  - ➢ Use safety equipment and tools such as warning cones, gloves, and pry bar at the level commensurate to your involvement in an inspection.
- Overfill prevention:
  - ➢ Verify the presence and operability of overfill prevention devices on each tank. If type is unknown, determine first by review of construction plans or other documentation then by first-hand verification.

Recommendation:

Address these items in the UST written inspection procedures. The CUPA should be aware that these are included in the SWRCB UST Implementation Guidelines. Verify that all inspectors incorporate into their inspections the above items.

In the CUPA comment to this report, identify how the CUPA intends to address this issue.

Deficiency: Three-year Inspections

Observation:

Inspections are conducted once every three years. The CUPA performs no routine compliance verification between the three year inspections.

Recommendation:

Consider conducting annual file reviews to ensure that all followup was conducted from the previous inspection, any ongoing enforcement is being maintained, and to update file information as necessary.

Deficiency: Information Availability

Observation:

Staff did not have copies of the SWRCB UST Implementation Guidelines.

Recommendation:

Use the UST website (www.swrcb.ca.gov then click on Underground Tanks) to gain access to SWRCB UST publications. Use the links to the UST statutes and regulations to ensure that inspectors are using the latest versions.

Deficiency: Inadequate Checklist

Observation:

The UST inspection checklist is a general checklist and includes twenty fields to cover construction, monitoring, upgrading, and permitting requirements. The inspection checklist appears to lack an appropriate level of detail and clarity to ensure that all inspectors on each inspection are consistently verifying compliance with regulatory requirements.

Recommendation:

Either 1) expand the level of detail within the UST inspection checklist or 2) supplement your general checklist with specific checklists. Specific checklists can help an inspector

conduct a detailed analysis of monitoring methods and UST system equipment.

The checklists in the SWRCB UST Facility Inspection Handbook are formatted to enable an inspector to thoroughly evaluate a particular monitoring method or piece of equipment. These type of checklists are well suited to maintain thoroughness and consistency between inspectors and inspections. Or, if not used during each inspection, they can be used as training and reference tools. Check that the fields in each checklist clearly identify when a violation is identified. For example, if using "yes" and "no" columns, indicate on the checklist that a "no" response may require follow up action.

Deficiency: Document Maintenance

Observation:

File documentation is organized on a two-sided file folder. While functional it may not be the most efficient method for filing documents. Some CUPAs are using a multi-sectional filing system and say that it helps organize, retrieve, and review file documentation.

Recommendation:

Consider using a multi-section file folder to enhance organization, retrieval, and review of documents.

Deficiency: Document Retention

Observation:

Based on a review of three CUPA facility files, file documentation appears disorganized. UST documentation was not found in the same location within each of the three files. Also, document maintenance was not consistent between each of the files. For example, one or more of the three Operating Permit plans (monitoring, response, and plot) were missing from each file.

Review of documentation by the inspector is necessary, even critical, to adequately prepare for an inspection. Consistency of document maintenance is a key to understanding, monitoring, and enforcing compliance. Without it, inspection and enforcement effort may be compromised.

The SWRCB recognizes that files become disorganized because of factors such as public review. Certainly an organized file can expedite document review but is not a necessity. Use of a file review checklist can accomplish the same goal.

Recommendation:

Develop a file review checklist to aid inspectors during file reviews. Ensure that all critical documents are included on the checklist. These might include Operating/Consolidated Permit(s); monitoring, response, and plot plans; financial responsibility statements; owner/operator agreements; application forms; previous inspection checklists and reports; enforcement actions taken; etc. For a comprehensive list of documents from which to tailor a CUPA file review checklist, see Appendix H of the UST Facility Compliance Handbook - *A Handbook for Local Agencies*.

To add usefulness to the file review checklist, indicate on the checklist the critical issues for review for each document.

Observation:

A data tracking system has not yet been developed except for tracking of UST inspections. To enhance a program's efficiency with determining compliance regarding routine and follow-up inspections, document maintenance and submittal, and enforcement a well-developed tracking system is indispensable.

**Deficiency:
Lack of
Data Tracking**

Recommendation:

Develop a tracking system for UST program activities. Effective alternatives to meeting your data tracking needs include:

➢ outsourcing with a vendor;
➢ co-developing a data management system with another agency (ex: San Rafael has developed a database in conjunction with other CUPAs);
➢ use of data management software such as Microsoft Access; and
➢ use of spreadsheet software such as Microsoft Excel.

Observation:

The CUPA has developed a Correction Notice to document violations on a routine inspection. The inspection resulted in three observed violations. No due date for correction was given and the recommendations on how correction was to be achieved was not clear.

Per Section 2712(f) CCR "within 30 calendar days of receiving an inspection report from either the local agency or the special inspector, the permit holder shall implement the corrections specified in the inspection report and comply with the permit conditions. *The corrective action shall include all of the recommendations made by the local agency or special inspector.*" [Italics added for emphasis.]

Recommendation:

On the inspection report, include a due date for correction of noted violations. Some agencies specify due dates according to the severity of the violation. Also, as appropriate, give specific recommendations on what constitutes correction of a violation. Recommendations, in general, should be based on regulatory or statutory requirements. For example, a sump sensor must function and also be installed at

Deficiency: Due Date For Correction

the sump's lowest point. If not stipulated, the sensor may not be installed at the lowest point.

In the CUPA comment to this report, identify how the CUPA intends to address this issue.

Deficiency: Compliance Verification

Observation:

The file review exposed that none had documentation showing follow-up actions taken verifying compliance had been achieved. One file contained a Notice-of-violation. Each had inspection reports indicating violations. One contained SIR results that showed a failed test.

Recommendation:

Begin documenting follow-up actions taken to verify compliance and the results of those actions.

In the CUPA comment to this report, identify how the CUPA intends to address this issue.

IV. F.   Aboveground Storage Tank Program

AST Inspection Standard Deficiencies

Deficiency box (sidebar): Deficiency: AST Inspection

Deficiency: The inspector was unaware of how to determine if an AST is subject to SPCC requirements.

[Or:]

During the AST inspection, the inspector did not verify that the SPCC was located on the premises.

[Or:]

During the AST inspection, the inspector discovered that the facility was required to have an SPCC plan on site. The inspector did not provide the operator with program information.

Standards: Title 27, Section 15100(d)(1); HSC Section 25270.4(b)

CUPAs will conduct inspections to determine if an SPCC Plan is require, verify that a plan is in place when required, and provide owners of facilities lacking plans with program information.

Required Action: Develop written procedures clarifying the standard. Ensure that inspectors are given adequate training on this subject. Consider using the SWRCB-developed form which can be used as an inspector training tool, an inspection report, and a transmittal form to give to an owner or send to the Regional Board.

AST State Agency Notes

[Note: This heading is a placeholder to enter Observations and Recommendations regarding the AST Program]

In-house CUPA Information Tracking Database

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**CUPA
Tracking**

</div>

The In-house CUPA Information Tracking Database tracks milestones achieved, guides evaluators through the process, and helps ensure that SWRCB deliverables are met. The steps of the evaluation process are listed below as they are found in the database. As you complete them, enter the date of the action, the document generated, and comments into the appropriate fields in the database.

1. Office and field evaluation.
   [MILESTONE 1]

2. SWRCB prepares in-house report.

3. In-house report is submitted to management for comment. After changes, if any, are made management signs off.
   (Signoff Form 1)

4. SWRCB e-mails in-house report to Team Leader within fourteen days of date of evaluation.
   [MILESTONE 2]

   Team Leader incorporates SWRCB in-house report into draft report.

5. Team Leader forwards draft report to SWRCB for review.

6. SWRCB review draft report and reports to Team Leader any errors or omissions.
   (Signoff Form 2)

7. SWRCB notifies Team Leader that the draft report has been signed off.
   [MILESTONE 3]

   Team Leader submits draft report to Cal/EPA for review and comment. Cal/EPA may request changes. Once changes, if any, are made (this may include returning back to the SWRCB), the Team Leader submits the draft report to the CUPA.

CUPA Tracking

8. CUPA comments to draft report are provided from the CUPA to Team Leader. Team Leader forwards a copy to SWRCB.

9. SWRCB prepares a response to CUPA comments.

10. Response is submitted to management for review. Once corrections, if any, are made management signs off.
    (Signoff Form 3)

11. SWRCB e-mails response to Team Leader.
    [MILESTONE 4]

    Team Leader incorporates response into final draft report.

12. Team Leader forwards final draft report to SWRCB for review and signoff.

13. SWRCB reviews final draft report and reports to Team Leader any errors or omissions. Once corrections, if any, are made SWRCB staff signs off.
    (Signoff Form 4)

14. Staff prepares and submits the final draft report and memorandum to management for signoff.
    (Signoff Memo)

15. Signoff memorandum is sent to Team Leader.
    [MILESTONE 5]

    Team Leader submits final draft report to Secretary.

16. Documents are entered into SWRCB agency file.

Signoff Form 1

SWRCB Evaluation Report

I have reviewed the SWRCB Evaluation Report for _____ CUPA and consider it acceptable for inclusion into the Draft Evaluation Report.

Signer: _____   Date: _____

Note: This form is to be entered into the agency binder with the Final Report.

Signoff Form 2

Draft Evaluation Report

I have reviewed the _____ CUPA Draft Evaluation Report and consider it acceptable for submittal to the CUPA.

Signer: _____   Date: _____

Note: This form is to be entered into the agency binder with the Final Report.

Signoff Form 3

SWRCB Response to CUPA Comments

I have reviewed the SWRCB Response to _____CUPA Comments
and consider it acceptable for inclusion into the final CUPA report.

Signer: _____   Date: _____

Note: This form is to be entered into the agency binder with the Final Report.

Signoff Form 4

SWRCB Review of Proposed Final Report

I have reviewed the _____ CUPA Proposed Final Report and consider it acceptable for submittal to the UST Program Manager for review and signoff.

Signer: _____   Date: _____

Note: This form is to be entered into the agency binder with the Final Report.

Final Draft Report SWRCB Signoff Form

This is the memorandum format:

The body of the memorandum as of November 1999 states:

The State Water Resources Control Board has reviewed the Certified Unified Program Agency (CUPA) evaluation report for [Name] [Pick County or City] CUPA. The State Water Resources Control Board is satisfied that the Unified Program standards relating to the underground and aboveground storage tank program elements have been met for the consolidation, coordination, and consistent implementation of the Unified Program. Deficiencies identified for these program elements have been or, according to the CUPA action plan, will be corrected by [Insert Date]. No program improvement agreement is required. [Alternatively: A program improvement agreement is required for the following deficiencies:]

If you have any questions regarding these program elements of this evaluation report, or the evaluation of the CUPA, please contact [Evaluator's Name] at 916-227-[# # # #].

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Follow-up
Action Items

</div>

Follow-up Responsibilities
In Report Development

Receipt of Draft Report

The SWRCB draft report will be incorporated by the Team Leader into the Draft Evaluation Report. You will receive it to verify all information is included in the report before it is sent to the CUPA. Once the Draft Evaluation Report is sent to the CUPA any items left out will likely not be included. Thus, critically review the Draft Evaluation Report you receive from the Team Leader. Check that:

- All issues are addressed and that the language you sent the Team Leader is included.

- The appropriate boxes are checked.

Receipt of CUPA Comments

The Team Leader will forward you the CUPA Comments to the Draft Evaluation Report. Check that:

- The CUPA commented on each deficiency cited.

- The CUPA comments adequately address the required action(s) or recommendation(s) given.

- Attachment of documents you requested, or adequate substitutes, showing correction are included.

Receipt of Final Draft Report

The Team Leader will forward you the Final Draft Report. Check that:

- The complete SWRCB Response to Comments is included.

- The SWRCB Response to Comments meets your expectations.

- The appropriate boxes are checked.

Evaluation Documents – What To File

Report Filing

After the Final Draft report has been signed off and sent to the Team Leader you should enter evaluation documents into the SWRCB agency file.

Put in the file at a minimum the following documents.

1) Signoff Form 1, SWRCB Evaluation Report

2) Signoff Form 2, Draft Evaluation Report

3) Signoff Form 3, SWRCB Response to CUPA Comments

4) Signoff Form 4, SWRCB Response to CUPA Comments

5) Final Draft Report SWRCB Signoff Form

6) Final Draft report sent to Cal/EPA.

6) Replace the Final Draft Report with the Final Report. The Final Report will be issued by Cal/EPA under Winston H. Hickox's signature on the title page.

To help minimize clutter and girth, refrain from including additional documents unless they add significant value.

Glossary

Glossary

Field Evaluation: The inspection conducted during the office evaluation.

Office Evaluation: Questioning of CUPA staff and review of documents conducted while at the CUPA's office.

Acronyms

Acronyms

1. AST — Aboveground Storage Tank

2. BP — Business Plan

3. CA: — Continuing Agency

4. CUPA: — Certified Unified Program Agency

5. DTSC: — Department of Toxics Substance Control

6. HWG — Hazardous Waste Generator

7. OES: — Office of Emergency Services

8. OSFM: — Office of State Fire Marshal

9. SWRCB: — State Water Resources Control Board

10. TP — Tiered Permitting

11. UP — Unified Program

12. UST — Underground Storage Tank

Navigation Macros

Note that a user may have to set up these macros on the computer for them to be activated.

Hot Key	Result
1. Alt + 1	Go to Index
2. Alt+ P	Print all checklists
3. Alt+ T	Go to the Table-of-Contents

Macros

Index

G

I

N

P

Q

R

S

T

W

Duties to Perform when Updating the SWRCB Supplemental CUPA Evaluation Guidance Manual

1. Proposing changes to the manual:

   - A team will be comprised by all SWRCB evaluators. These evaluators will meet on a routine basis to review and decide on recommendations for changes or updates to the manual..

   - Upon consensus from the team, the caretaker of the manual (as decided by the team) will make changes. If the changes are of significant nature, management comments and signoff will be sought.

   - The caretaker will make changes both to the Word and pdf versions.

   - Changes will be announced by e-mail to interested parties. Changes will be reflected in-house and on the website.

2. When changes are made that cause a change in pagination:

   - Update the page numbers on the Table-of-Contents (or develop a new TOC since it was made manually, not by Word's TOC function).

   - Update the index using Word's Index function.

   - Check that side-bar divider lines are in the correct positions (at 1 and 13/16").

3. When making changes to text follow this format:

   - Main headings (Title and Section):   Blue, 32, **B**

   - Subheadings: Blue, 26, **B**

   - Second-level subheadings: Green, 14, **B**

   - All text except for completed write-up text: Humanst521 Lt BT, Black, 12

- Completed write-up text: Arial, Black, 12

- Links: Humanst521 Lt BT, Blue, Underlined

- Checklist headings: Blue, 22, **B**

- Sidebar: Green, 22, **B**

4. Issues that remain to be added to this manual are identified below. As these issues are addressed the results will be identified in the next section, "Changes Made To the Manual – Date of Change."

   - Develop a section to include SWRCB response to CUPA comments.

   - Add John Welch's "evaltool.doc" to assist permit review.

   - Develop a file review checklist for the agency

   - Add CA-only issues under completed writeups and evaluation strategies

Changes Made to the Manual - Date of Change

1. Updated Pre-Evaluation Task Checklist: changed Eclipse Travel to Sacramento Travel Service - 02/01/00
2. Signoff Form 4 is added to nail down this part of the process. TOC is updated. - 2/14/00
3. Added new language as to what the SWRCB considers a routine inspection 3/1/00 Page 19
4. Made additions to the write-ups based on Sutter CA evaluation. 3/7/00
5. Changed heading and related links to Program Elements, Standards, and Write-ups. 3/7/00
6. Added "Write-up: [Identified deficiencies]" to the Program Elements, Standards, and Write-ups. 3/7/00
7. Added to In-house tracking,language requesting evaluators to enter into the tracking system the date of action, documents generated, and comments after each action in the process. 3/8/00
8. Amended the UST Facility Inspection section regarding first-hand verification of compliance.
9. Added newly developed identified deficiencies from the Alameda and Imperial reports under UST State Agency Notes.
10. Developed a Compendium Standards Verification Checklist to give specific questions regarding verification of performance standards. 3/15, 20/00
11. Updated Table 1 and Table 2 with checking files for compliance with upgrade and repair requirements. 3/20/00 and again on 5/3/00
12. Developed a macro for users to find the Table-of-Contents (Alt+C) and to print all checklists (Alt+P). I put these at another section as List of Macros. 3/20/00
13. Improved/updated/developed pre-evaluation task, evaluation documents, and vehicle-use, and Compliance Verification checklists. 5/00
14. Reworked Page 8 so that the pdf version will print 6/00
15. Captured review of ordinance and transmittal of surcharge when evaluating a CA under the Compliance Verification checklist 5/00
16. Updated the Completed Writeup headings 10/6/00
17. Updated Table 1 to conform to the new format 10/4/00
18.

End